

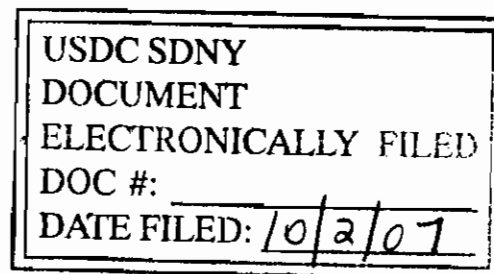
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THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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September 21, 2007

**BY FACSIMILE (212) 805-7948**  
The Honorable Richard J. Holwell  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007



Rc: Anthony Ramos v. City of New York, et al., 07 Civ. 08053

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York in the above-referenced matter.<sup>1</sup> I write with respect to the above-referenced matter in which plaintiff alleges that his constitutional rights were violated by defendants. Defendant City respectfully requests an extension of its time to answer or otherwise respond to this complaint from October 4, 2007 until December 4, 2007. Plaintiff has consented to this request.

There are several reasons for seeking an enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. Furthermore, it is our understanding that the records of the underlying criminal actions, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office is in the process of forwarding to plaintiff for execution consents and authorizations for

<sup>1</sup> This matter has not yet been assigned to a District Judge, however a related case, *Obed De La Rosa v. City of New York, et al.*, 07 Civ 8027, is presently before your Honor, and plaintiff has filed a Related Case Statement. For these reasons, we respectfully direct the within application to your Honor.

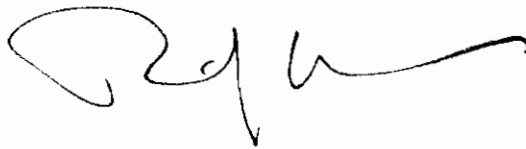
the release of sealed arrest and criminal prosecution records so that defendant can access the information, properly assess the case, and respond to this complaint.

Additionally, upon information and belief the named individual officer defendant Officer Alice Murphy was served with the summons and complaint in this action. This office has not discussed with this defendant the manner of service, and we make no representation herein as to the adequacy of process on her. Although this office does not currently represent Officer Murphy in this action, and assuming she was properly served, this office respectfully requests this extension on her behalf, in order that her defenses are not jeopardized while representational issues are being decided. Thus, the enlargement of time should also give this office time to determine, pursuant to Section 50-k of the New York General Municipal law, and based upon a review of the facts of the case, whether we may represent Officer Alice Murphy. *See Mercurio v. The City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

No previous request for an extension has been made by defendant City. Accordingly, we respectfully request that defendant City's time to answer or otherwise respond to the complaint be extended to December 4, 2007.

Thank you for your consideration herein.

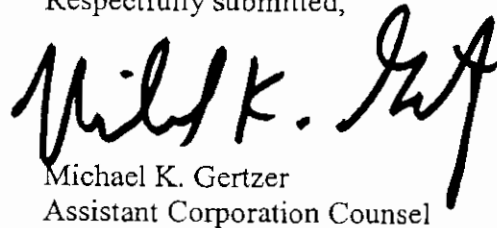
SO ORDERED



US DJ

10/2/07

Respectfully submitted,



Michael K. Gertzer  
Assistant Corporation Counsel

cc: James I. Meyerson, Esq. (via facsimile)